

Amendment Dated July 28, 2008
Serial No. 10/666,529

REMARKS

Reconsideration of the rejections set forth in the Office Action is respectfully requested. By this Amendment, claims 2, 4, 5, and 15 have been canceled without prejudice or disclaimer and claims 1, 7, 10, and 13 have been amended. Currently, claims 1, 3, 6-14, and 16-17 are pending in this application.

Rejection under 35 USC 103

Claims 1-5, 7, 9-15, and 17 were rejected under 35 USC 103 as unpatentable over Samarasinghe (U.S. Patent Application Publication No. 2004/0028080) in view of Hama (U.S. Patent No. 7,707,346). Additionally, claims 6 and 8 were rejected over Samarasinghe and Hama, and further in view of Donovan (U.S. Patent Application Publication No. 2002/0041590). These rejections are respectfully traversed in view of the amendments to the claims and the following arguments.

Traditionally, SIP signaling was not used to reserve network resources. See IETF RFC 3261, Section 2, pages 8-9 "Since SIP messages and the sessions they establish can pass through entirely different networks, SIP cannot, and does not, provide any kind of network resource reservation capabilities." Thus, SIP was explicitly designed to not be used to reserve resources on the underlying network. Since MPLS based VPNs are signaled using RSVP, which is a resource reservation protocol, the use of SIP to reserve network VPN resources is contrary to the intended purpose of SIP.

Samarasinghe teaching how SIP signaling may be used to obtain Advanced Intelligent Network (AIN) functions on a telephone call. (Samarashighe at Paragraph 3). One common AIN feature was commonly referred to as Virtual Private Network with Account Code/Authorization Validation. (Samarashighe at paragraph 3). VPN services with account code / authorization validation is described, for example, in U.S. Patent No. 5,680,446 (not of record) which explains that this AIN service may be used to provide a screening feature to ensure calls from off-network are associated with an authorized user of the network. Since Samarashighe is concerned with providing AIN features to SIP based calls, the reference to VPN services in Paragraph 3 and again at Paragraph 26 is clearly referring to this screening feature. This also makes sense, when viewed from the description of the application servers that

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will be providing the AIN features (see Samarasinghe at Paragraph 2.5), since the application servers are described as being conventional computer servers such as NT servers.

Thus, Samarasinghe does not teach or suggest that SIP should be used to reserve network resources. Rather, Samarasinghe teaches that SIP should carry additional information so that additional features (AIN features) such as call screening may be implemented on SIP calls. The additional information is not being added to reserve network resources, however. Rather, the additional information is being used so that different types of call processing may be performed when the call is first set up.

The Examiner has taken the position in the response to arguments section (paragraph 1) that Samarasinghe recognizes that additional network information is beneficially carried within the SIP messages, citing paragraph 4. In Paragraph 4, Samarasinghe states that a drawback to SIP is that the SIP protocol does not provide any SIP signaling messages that are adapted to carry "multi-media processing related information, such as, a charge number, local access and transport area (LATA), carrier, billing and other information required for multimedia service processing." The things that Samarasinghe refers to in this paragraph are all pieces of information that are used to implement Advanced Intelligent Network (AIN) services, and have nothing to do with reserving resources on the underlying network.

Hama has been cited by the Examiner as teaching an MPLS network over which VPNs may be implemented. Essentially, it appears that the Examiner has cited Hama to show that network VPNs were known. Applicants admitted in the background that VPN tunnels implemented on an MPLS network were known at the time the application was filed. (see Specification at page 1, line 24 to page 2, line 12). Applicants are thus not contesting that VPN tunnels were known.

Applicants argument, rather, was that the SIP standard states that SIP is not to be used to reserve network resources. Samarasinghe does not teach that SIP should be used to reserve network resources. Hama teaches that network resources can be reserved, but does not teach that this should be done with SIP. Accordingly, given the strong teaching away in the standard, and the lack of any indication in either of the references that they should be combined, applicants respectfully submit that it would not have been obvious to a person skilled in the art to make the combination proposed by the Examiner. Specifically, no reference cited by the Examiner states that SIP should be used to reserve network resources. Accordingly, it would not have been

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obvious to modify Samarasinghe to use SIP to reserve network resources to enable network VPNs to be implemented on demand.

In reviewing the claims of this application, and in an effort to move prosecution forward, applicants have amended claim 1 to recite a "method of obtaining network Virtual Private Network (VPN) services on demand in a MultiProtocol Label Switching (MPLS) communication network. Further applicants have amended claim 1 to recite that the method includes the steps of receiving a Session Initiation Protocol (SIP) message containing a request for network VPN services from an initiating application, the SIP message containing the request for network VPN services containing VPN information; and registering the VPN information from the SIP message on the MPLS communication network to cause the MPLS communication network to reserve network resources to establish the network VPN tunnels to provide the network VPN services. The recitation of "reserve network resources" in particular would not have been obvious over the cited combination of references.

While Hama does teach VPN tunnels in an MPLS network, Hama does not teach or suggest that SIP signaling should be used to reserve network resources. Similarly Samarasinghe and the original SIP standard similarly do not teach or suggest using SIP signaling in this manner to reserve network resources. Accordingly, in view of the amendments to the claims and the preceding arguments, applicants respectfully submit that claim 1 is patentable over the art of record. Similar amendments were made to independent claim 13 rendering it likewise patentable.

Independent claim 10 recites a method including the steps of registering application-VPN-ID information associated with a first application on a communication network, and interfacing with the communication network to obtain network VPN resources associated with the application-VPN-ID information upon receipt of a request for access to the network VPN resources from the first application. This method requires two steps – an initial registration step and a later request for access to the network VPN resources.

In the response to arguments section (Office Action at paragraph 2), the Examiner states that Samarasinghe discloses providing call setup using modified SIP messages containing VPN information. Applicants explained above that Samarasinghe does not teach including VPN information in a SIP message (as VPN information is used in this application). Rather, Samarasinghe teaches including virtual private network account code authorization validation

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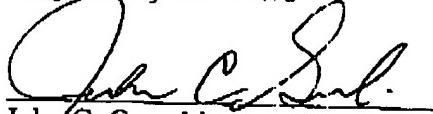
information so that the AIN may implement call screening to prevent calls from being made to a private telephone network. While the name may be similar, the type of information being transmitted in Samarasinghe is thus very different than the type of information being transmitted in this application. Claim 10 recites the step of "interfacing with the communication network to obtain network VPN resources associated with the application-VPN-ID information upon receipt of a request for access to the network VPN resources from the first application". This is very different than call screening which is what is being discussed by Samarasinghe. Accordingly, applicants respectfully request the Examiner to withdraw the rejection of claim 10 as well.

Conclusion

In view of foregoing claim amendments and remarks, it is respectfully submitted that the application is now in condition for allowance and an action to this effect is respectfully requested. If there are any questions or concerns regarding the amendments or these remarks, the Examiner is requested to telephone the undersigned at the telephone number listed below.

If any fees are due in connection with this filing, the Commissioner is hereby authorized to charge payment of the fees associated with this communication or credit any overpayment to Deposit Account No. 502246 (Ref: NN-16019)..

Respectfully Submitted



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